

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.18083 OF 2007

ORAL ORDER:

This writ petition is filed seeking a declaration that the order dated 11.7.2007 passed by the 1st respondent herein as arbitrary and illegal.

Under the impugned order the 1st respondent while exercising the powers under the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act"), determined under Section 7A & Section 7Q the amount payable by the petitioner towards Provident Fund dues for the period from September 2005 to February 2006. It is also clear from the said order that the 1st respondent after hearing both the parties recorded a finding that the employees engaged through the 3rd respondent-Contractor, are the employees of the petitioner, who is the principal employer within the scope of the Act and, therefore, the petitioner is liable to pay the dues in respect of the employees engaged by the 3rd respondent.

At the outset, it is to be noted that an alternative remedy of Appeal is available under Section 7-I of the Act against the impugned order. Hence, without exhausting such statutory remedy, it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India straight away. In the circumstances, without expressing any opinion, the writ petition is disposed of granting leave and liberty to the petitioner to work out the alternative remedy of statutory Appeal. No costs.

(G. ROHINI, J.)

24th August, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.18015 OF 2007

24th August, 2007.

Between:

Bharat Sanchar Nigam Limited,
Represented by its General Manager
(Maintenance), Southern Telecom Region,
6-1-85/10, Sai Nilayam,
Saifabad, Hyderabad 500 004.

.. Petitioner.

And

Assistant Provident Fund Commissioner,
EPF Organization, Shiva Theatre Complex,
Karimnagar – 505 001 and others.

.. Respondent.